

1FW



EPSTEIN & GERKEN
1901 Research Boulevard
Suite 340
Rockville, Maryland 20850-3164
(301) 610-7634

Atty Docket No.: 2401.128.2CON

In re the PATENT application of

Richard L. Goode

Examiner: P. Bianco

Serial No.: 10/682,253

Group Art Unit: 3762

Filed: October 10, 2003

For: Composite Ventilation Tube

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

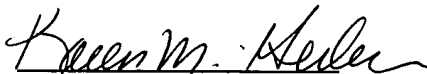
Sir:

Transmitted herewith are the following documents for filing in the subject patent application:

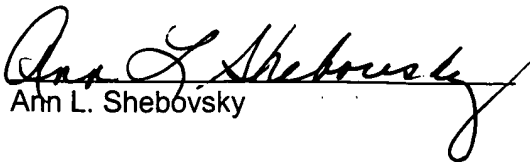
Response; and

Return Receipt Postcard.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 24, 2004.


Ann L. Shebovsky



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No.: 2401.128.2CON

In re the Patent application of

Richard L. Goode

Examiner: P. Bianco

Serial No.: 10/682,253

Group Art Unit: 3762

Filed: October 10, 2003

For: Composite Ventilation Tube

RESPONSE

MAIL STOP: PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is submitted in response to the Office Action dated August 31, 2004 for the subject patent application.

In the Office Action, claims 1-21 are subject to a restriction requirement necessitating election of Invention I (claims 1-14 drawn to a medical ventilation tube) or Invention II (claims 15-21 drawn to a method of making a ventilation tube).

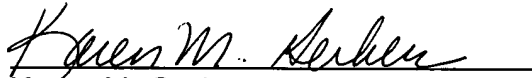
The restriction requirement is submitted to be improper and unjustified in view of claims 2-6, 8 and 12-21 having been canceled from the subject patent application in the Preliminary Amendment filed concurrently with the application on October 10, 2003.

Claims 1, 7 and 9-11 are pending in the subject application and are directed to a single invention.

In order to be fully responsive to the Office Action despite the restriction requirement being improper, applicant hereby elects, without traverse, Invention I and claims 1, 7 and 9-11 corresponding thereto for prosecution on the merits.

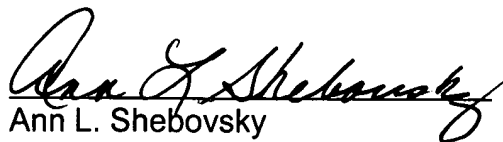
In light of the foregoing, it is respectfully requested that the restriction requirement be withdrawn and that early and favorable action on the merits be accorded to claims 1, 7 and 9-11. Should any issues in the subject application remain unresolved, the Examiner is encouraged to contact the undersigned attorney.

Respectfully submitted,


Karen M. Gerken
Registration No. 31,161

EPSTEIN & GERKEN
1901 Research Boulevard, Suite 340
Rockville, Maryland 20850
(301) 610-7634

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 24, 2004.


Ann L. Shebovsky